

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 200502701
Issue Date: September 28, 2005
Expiration Date: October 28, 2005**

30-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102.

APPLICANT: Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

PROJECT LOCATION (As shown on the attached drawings): The proposed project is located in and along the right over bank of the Missouri River, between river miles (RM) 178 and 180.4, in the Overton South Conservation Area/Mitigation Site. The Overton South Conservation Area occupies 3,662 acres of land on the western floodplain. This land is owned by the U.S. Army Corps of Engineers and managed by the Missouri Department of Conservation (MDC). The site is located approximately 14 miles west of the city of Columbia, Missouri in Sections 19 and 30, Township 48 North, Range 14 West, in Moniteau County, Missouri.

AUTHORITY: The Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project as authorized in the Water Resources Development Acts of 1986 and 1999 (Public Law 99-662) and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): **PROPOSED WORK:** The U.S. Army Corps of Engineers (USACE) proposes to restore fisheries and wildlife habitat at the Overton South Conservation Area, at a site known as Tadpole Island. The proposed hydraulic features for fish, wildlife, and other habitat development will be constructed on USACE owned land. The entire project site is located on the riverside of a private levee belonging to the Overton-Woolridge Levee District. Aerial maps of the Overton South Conservation Area indicate that there was a historic chute traversing the area. This chute diverted water from the Missouri River near RM 180 and returned it back near RM 178. Placement of revetments and closure dikes during the construction of the Missouri River Bank Stabilization and Navigation Project (BSNP) greatly reduced flows through the chute and resulted in aquatic habitat degradation. At present, this historic chute is not connected to the river. This project proposes to reestablish a side channel chute in this general vicinity of the Missouri River and add to the development of Shallow Water Habitat (SWH) in the Missouri River. The primary purpose of the Missouri River Fish and Wildlife Mitigation Project is to mitigate the habitat lost as a result of the BSNP.

The chute restoration and shallow water habitat development at the Overton South Conservation Area, Tadpole Island site, includes the construction of a flow-through pilot chute with an initial bottom width of 75 feet along the general vicinity of the historic chute channel (the chute will be designed to erode naturally to a maximum width of 200 feet). The chute is approximately 9,620 feet in length. The minimum distance between the active private levee and the landward edge of the chute spoil pile is approximately 655 feet. The new chute deviates from the historic chute location due to areas that would encroach upon the private levee and private land. The chute will be constructed with 1.5H on 1V side slopes and the average depth of excavation will be 20 feet. The invert of the chute is to be constructed at -5 Construction Reference Plane (CRP), to create immediate shallow water habitat in the chute, allow the chute to evolve over time, and minimize the bedload entering the chute from the main channel. Two rock grade control structures will be placed at -6 CRP to control the invert elevation and chute width near 1/3 and 2/3 point locations along the chute length. Approximately 3,900 tons of rock will be placed in each of the two rock grade control structures. Rock placed on the control structures will be consistent with quarry-run rock used for construction and operation and maintenance of the BSNP, i.e. stone fill dikes and revetments. Existing stone and/or pile dikes and revetments along the chute alignment will be notched a minimum of 200 feet to allow future widening of the chute through erosion. It is estimated that approximately 790,000 yd³ of material will be excavated for the project. The excavated spoil material will be side-cast along the excavated chute; some excavated material in the vicinity of the inlet and outlet areas of the project may be disposed of directly in the Missouri River. To help improve aesthetics while the chute develops, side-cast spoil piles will be graded smooth before project closeout. In normal flow years, spoil material is expected to erode away within 2 to 3 years, similar to the Overton North Chute where over half the spoil eroded during a June 2005 flood event. Prior to construction, a 200 foot-wide path will be cleared along the alignment to allow room for the chute footprint, spoil, and access lanes. Cleared trees will be placed in mounds along the high bank adjacent to the chute alignment. The cleared trees consist of recent growth over the last 10 to 12 years, which are primarily cottonwood trees. Chute construction will create approximately 25 acres of shallow water habitat immediately after construction, and at least 54 acres after the chute erodes to the design width.

Shallow water habitat development consisting of three bank notches has previously been constructed at the upstream end of the Tadpole Island site. Additional shallow water construction is planned at the site, and will be constructed in accordance with the Pallid Sturgeon Assessment Program over the next 1 to 3 years. The additional shallow water habitat would involve modification of river control structures, river top width increases, and other techniques resulting in between 25 to 100 acres of shallow water habitat.

The purpose of the project is to create shallow water habitat by increasing the aquatic habitat with side channel chutes and returning sediments to the river from recently accreted lands formed by deposits of modern alluvium in and around the dike fields, closed off historic channels and behind the revetments, thereby creating additional shallow water and sandbar habitat.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps will utilize comments received in response to this Public Notice to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations, including this review for project compliance with the requirements of Section 404 of the Clean Water Act. The Corps

has made a preliminary determination that the project as proposed would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines. A preliminary determination has been made that the proposed work would be authorized by Nationwide Permit No. 27, Stream and Wetland Restoration Activities.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Matthew Vandenberg or Mr. David Hibbs, U.S. Army Corps of Engineers, Environmental Resources Section, 601 East 12th Street, Room 843, Kansas City, Missouri 64106, at telephone 816-983-(3146 or 3136 respectively), (FAX 816-426-2142) or via email at matthew.d.vandenberg@usace.army.mil or David.R.Hibbs@usace.army.mil. All comments to this public notice should be directed to the above address.

WETLANDS: A preliminary jurisdictional determination indicated that approximately 5.7 acres of emergent wetlands would be impacted in the proposed project site. The completed project will restore and mitigate the aquatic riverine habitat lost during construction of the BSNP, which resulted in the creation of these emergent wetlands as historic side channels were cutoff from the river. Therefore, further mitigation will not be required.

DRAWINGS: The attached drawings provide location details of the proposed project.

PROPERTY ADJACENT TO PROJECT AREA: Property adjacent to the project site is owned by the USACE. Property owners adjacent to the proposed project area will be notified directly to inform them of the project and to request their comments.

CULTURAL RESOURCES: The proposed project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665) including a check of the National Register of Historic Places and supplements thereto. No properties listed, proposed for listing, or eligible for listing in the National Register were identified in the project area. Kansas City District has determined that all construction work associated with the project would occur on Corps structures, i.e. dikes and revetments, and recently accreted lands formed by deposits of modern alluvium in and around the dike fields and behind the revetments. Therefore, we have determined that archeological surveys of the project areas are not required, since all work would occur on existing structures and recently accreted land within the last 50 years. Furthermore, our evaluation of potential impacts to historic properties indicates that the project would not impact any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. Kansas City District will evaluate input by the State Historic Preservation Officer and the public in response to this public notice.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect, but is not likely to adversely affect, species designated as threatened or endangered or adversely modify or destroy critical habitat. In order to complete our evaluation of this activity, comments are being solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state

agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before Department of the Army authorization can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

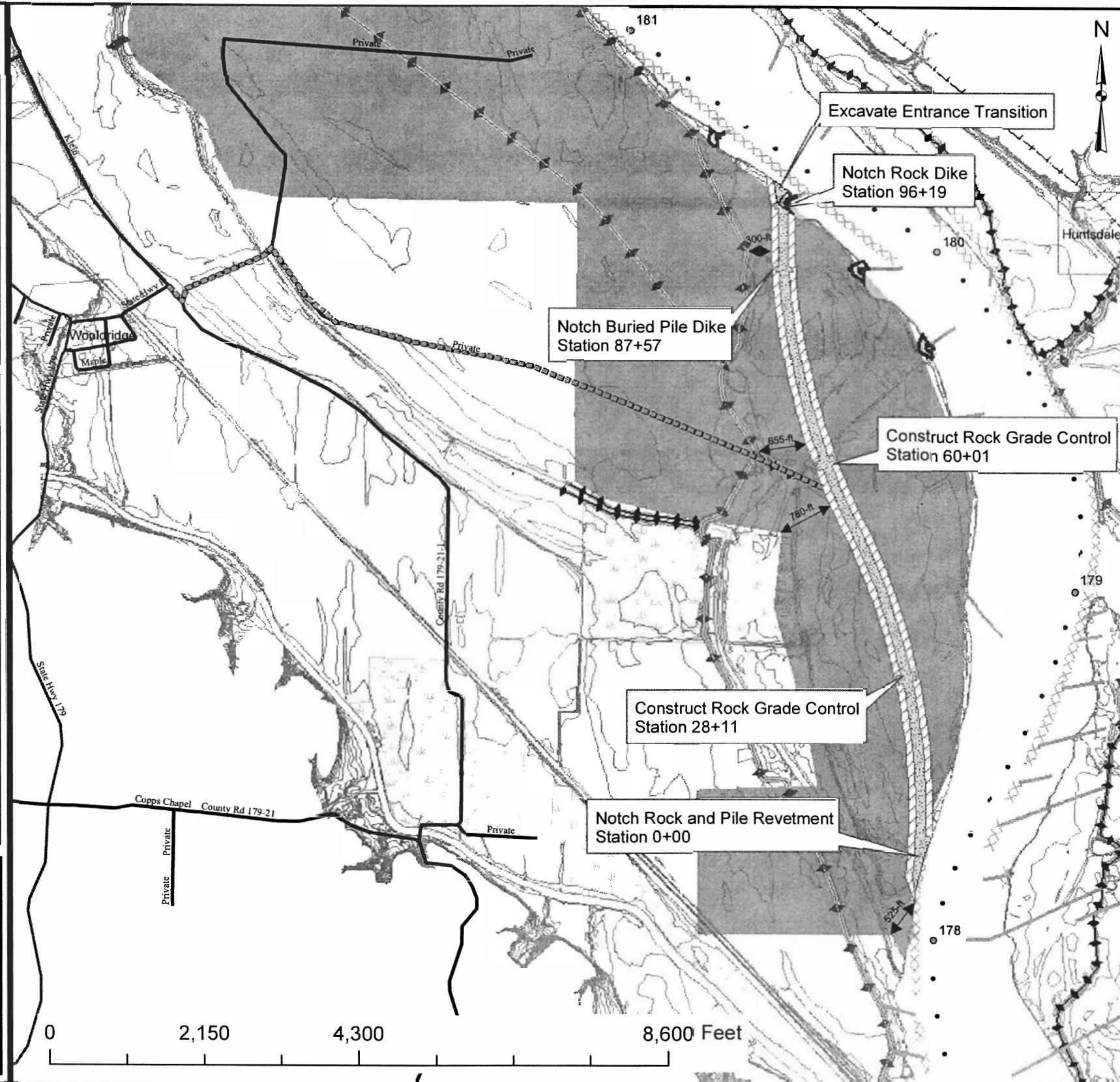
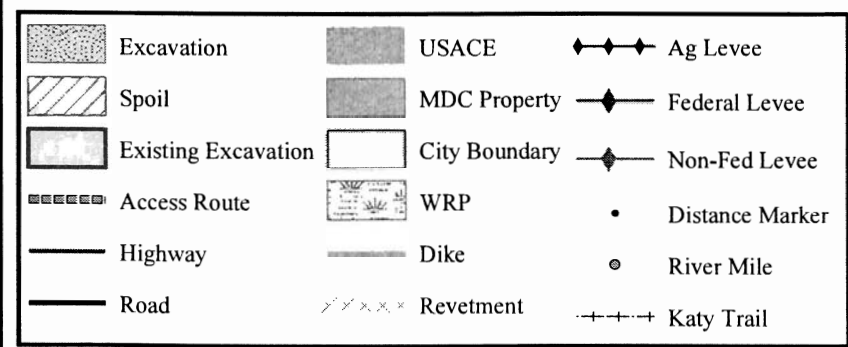
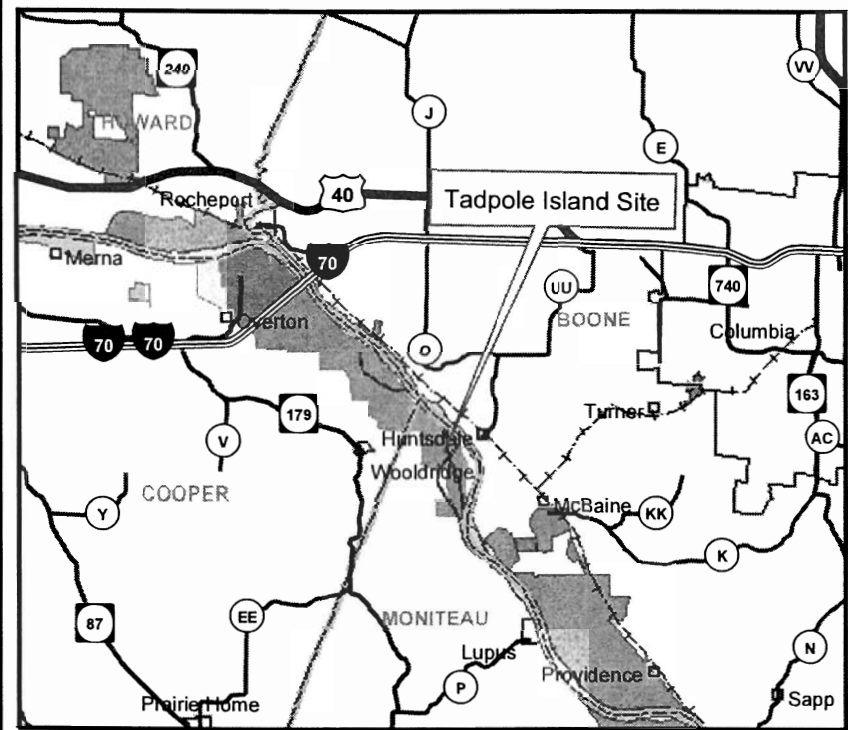
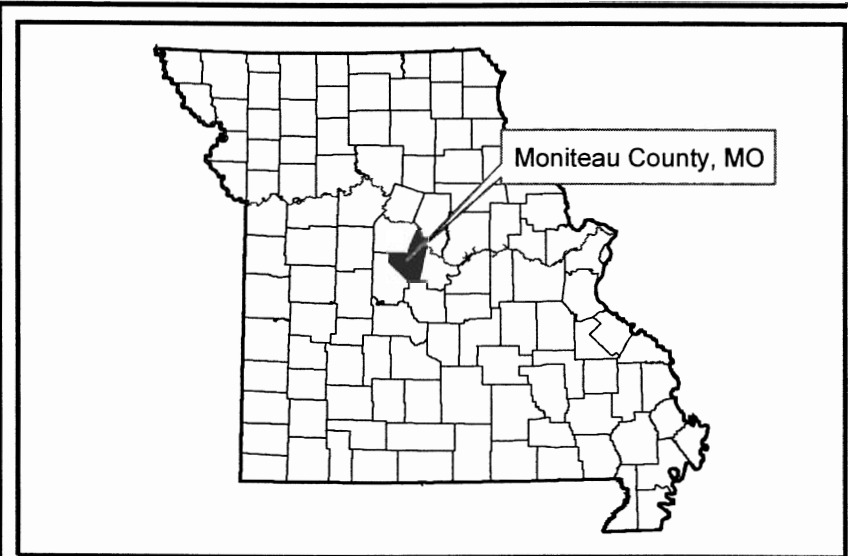
PUBLIC INTEREST REVIEW: The decision to issue authorization will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny an authorization for this proposal. To make this decision, comments are used to address impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of an authorization would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army authorization. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown above.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT
PUBLIC NOTICE NO. 200502701

	YES	POTENTIAL EFFECTS	NO
I. Physical Effects A. Potential destruction of wetlands..... B. Impact on water column..... C. Covering of benthic communities.....		X X X	
II. Chemical-Biological Interactive Effects A. Adverse effect of chemical constituents on water column..... B. Adverse effect of chemical constituents on benthos			X X
III. Applicable Water Quality Standards A. Will activity be in conformance with applicable standards?.....			
IV. Selection of Disposal Sites A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem..... B. Have the needs for the proposed activity been considered?..... C. Have alternatives been considered?..... D. Impacts on water uses at the proposed disposal site		X X	
E. Have mitigation measures to minimize harmful effects been considered?.....			
V. Contamination of Fill Material A. Contamination of fill material if from a land source.....			X
VI. Mixing Zone A. Have mixing zone determinations been established for each disposal site?.....			X
VII. Impacts to Navigation A. Impairment to maintenance of navigation. B. Economic impact on navigation and anchorage.....			X X
VIII. Public Participation and Coordination A. Will a public interest review be conducted?.....			
	X		



US Army Corps of Engineers
Kansas City District

Date	File no.	Plot Scale	CADD File Name
SEP 2005		1"=20,000	

Designed by	Drawn by	Checked by	Submitted by
CJB	CJB		

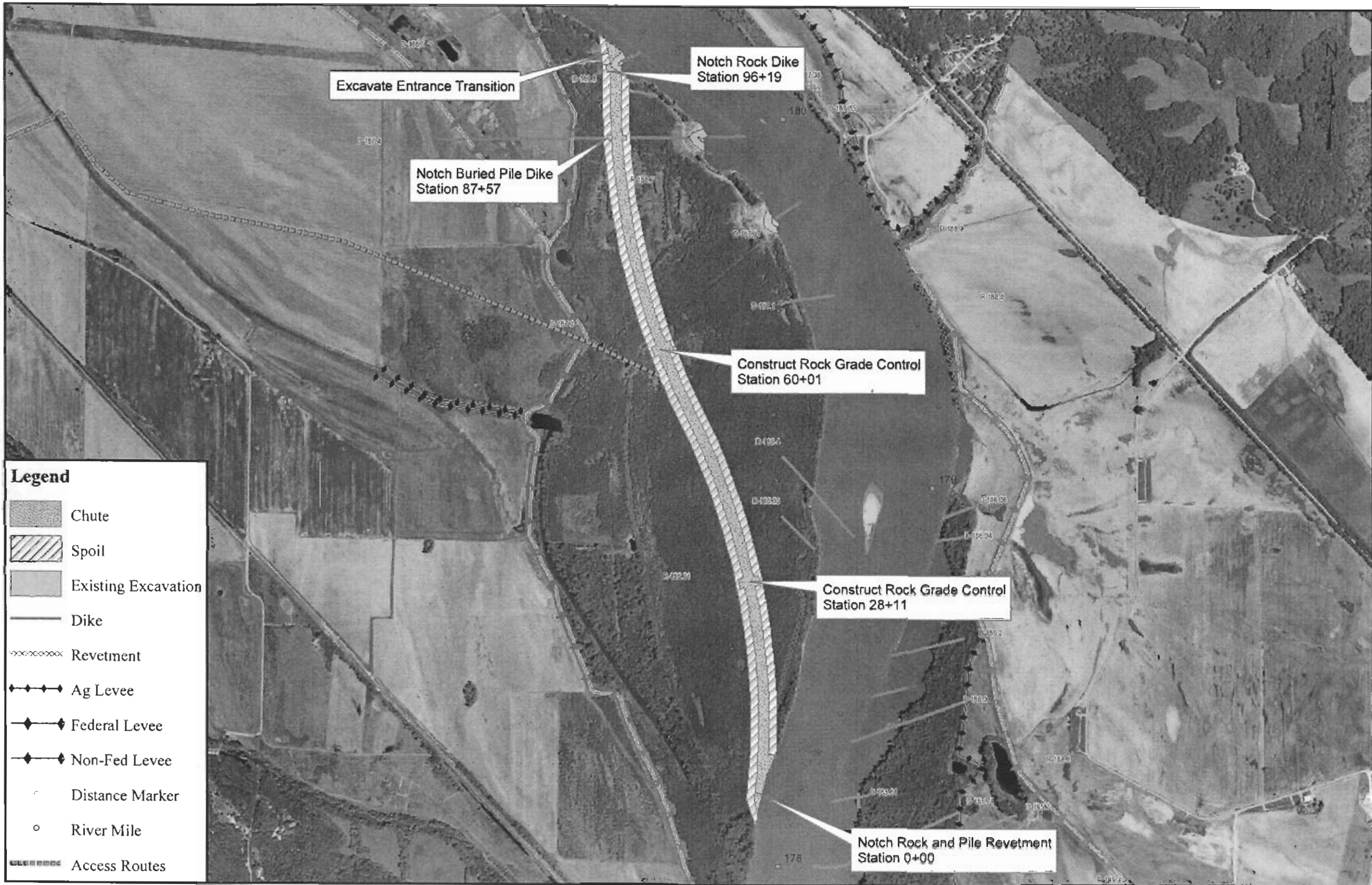
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
KANSAS CITY, MISSOURI


Tadpole Island Chute

LOCATION AND VICINITY

Sheet Reference Number

A1.1





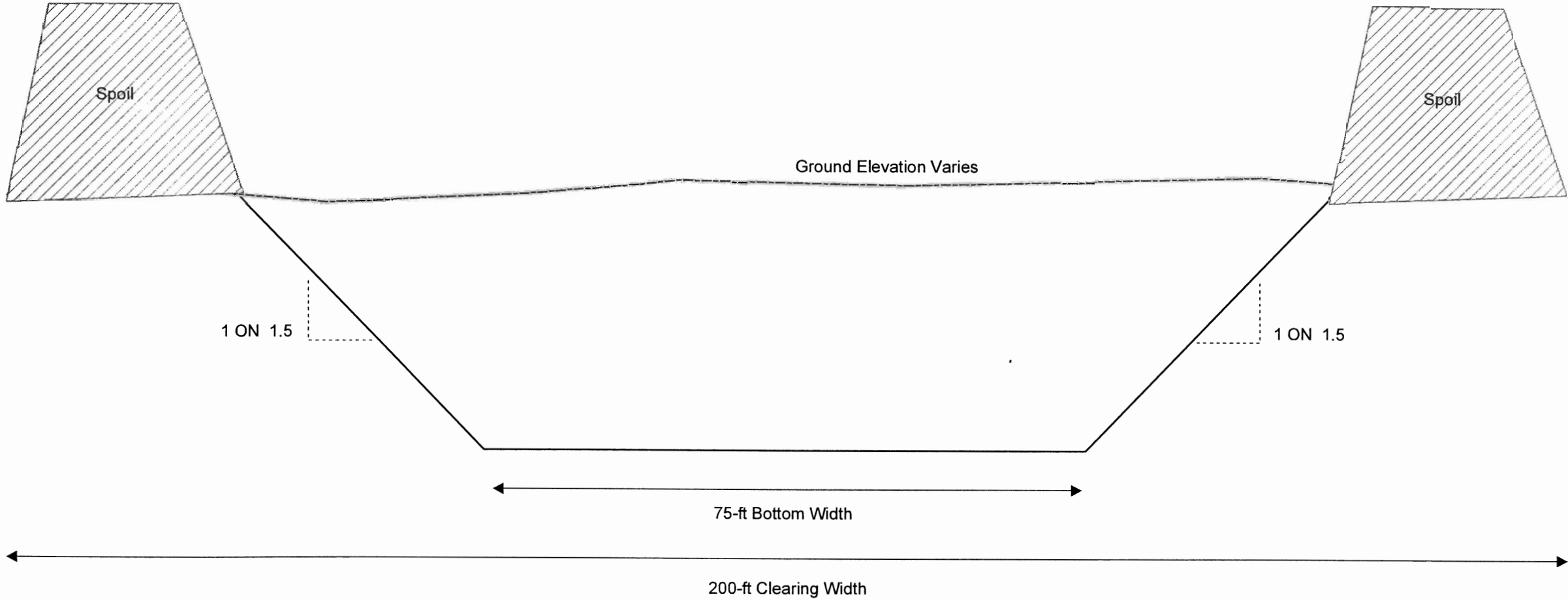
**US Army Corps
of Engineers**
Kansas City District

Description		Symbol	Date	App.


Prepared by	Checked by	Reviewed by	Submitted by	DATE	FILE NO.	PROJECT NO.	QC/DO FILE NAME
U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS KANSAS CITY, MISSOURI							

LOCATION AND VICINITY

Sheet
Reference
Without
A1.2



NOTE: Expect 19 to 22 feet typical cut depth, Invert 5-ft below CRP



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Kansas City District

Date		File no		Plot Scale		CADD File Name	
SEP 2005				1:1			

Designed by:		Drawn by:		Checked by:		Submitted by:	
CJB		CJB					

U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS KANSAS CITY, MISSOURI	
Tadpole Island Chute	

TYPICAL CHUTE CROSS SECTION	
Sheet Reference Number C1.1	